

DONALD DENNIS,

Plaintiff,

v.

HEIRLOOM CATERING, LLC.,

Serve: Martin J.A. Yeager
Registered Agent
524 King Street
Alexandria, Virginia 22414,

&

VICKY THEODOROU
626 S. Washington St.
Falls Church, Virginia 22046

Defendants.

COMES NOW the plaintiff, Donald Dennis (“Plaintiff” or “Mr. Dennis”), by and through his undersigned counsel, John C. Cook, Esq., Philip C. Krone, Esq., and the law firm of Cook Craig & Francuzenko, PLLC, and for his Complaint against the defendants, Heirloom Catering, LLC (“Heirloom”) and Vicky Theodorou (“Ms. Theodorou”) (hereinafter collectively referred to as “Defendants”), states as follows:

1. This is an action brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, by Plaintiff against Defendant for overtime violations of the FLSA.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over Plaintiff's FLSA claims under 28 U.S.C. § 1331.

3. This Court has personal jurisdiction over Defendants because the acts complained of were performed within the Eastern District of Virginia.

4. Venue is proper in this district and in this division by virtue of 28 U.S.C. § 1391 (b) because, among other reasons, a substantial part of the events or omissions giving rise to the claims occurred in this district.

THE PARTIES

5. Mr. Dennis is an adult male resident of Fairfax County in the Commonwealth of Virginia. From May 28, 2014 through August 20, 2016, Mr. Dennis was employed by Heirloom.

6. Heirloom is a Virginia corporation with its principal place of business located at 626 S. Washington St., Falls Church, Virginia 22046.

7. Upon information and belief, defendant, Vicky Theodorou ("Ms. Theodorou"), is an adult citizen of the Commonwealth of Virginia and employed with Heirloom.

FACTS

8. Heirloom operates a catering business. Heirloom does business via telephone lines and the internet; accepts reservations online; orders and receives supplies from other states which have moved through interstate commerce; and provides services in Virginia, Maryland and the District of Columbia. Thus, Heirloom is an enterprise engaged in interstate commerce as defined by the FLSA.

9. Upon information and belief, Heirloom conducts business with gross revenues over \$500,000.00 annually.

10. In or about September 2011, Defendant hired Mr. Dennis as executive chef.
11. Mr. Dennis does not have a specialized four-year degree in culinary arts.
12. As it relates to Mr. Dennis's employment, Ms. Theodorou had the authority to hire, fire, and schedule his hours
13. In or about April 2016, Heirloom began paying Mr. Dennis on a salary basis.
14. Prior to April 2016, Heirloom paid Mr. Dennis on an hourly basis.
15. Heirloom and Ms. Theodorou had a policy of considering time in between orders as "off the clock" even when Mr. Dennis would remain at work.
16. Mr. Dennis would not be compensated for these "off the clock" hours.
17. Heirloom and Ms. Theodorou had a policy of paying Mr. Dennis when he worked through his breaks but would not count the time towards his overtime calculation.
18. Heirloom and Ms. Theodorou had a policy of not compensating overtime hours that were not approved in advance.
19. Heirloom and Ms. Theodorou had a timekeeping policy that did not allow Mr. Dennis to record all of the hours that he was working.
20. Consequently, Mr. Dennis began keeping track of the hours that he worked on his own.
21. At all relevant times, Heirloom paid Mr. Dennis an hourly rate of \$20.50.
22. From March 2015 through March 2016, Mr. Dennis worked approximately 385 hours of overtime that Defendants did not compensate him for at one and half time his regular rate of pay.

COUNT I
(Violation of FLSA Overtime Requirements)

23. Plaintiff re-states and re-alleges the allegations contained in the preceding paragraphs.

24. Defendants did not properly compensate Plaintiff for all of the hours Defendants required him to work and/or for all hours which Defendant permitted him to work with the actual or constructive knowledge of Defendant.

25. Defendants willfully required Plaintiff to work in excess of 40 hours during a workweek and/or “suffered or permitted” such overtime work.

26. Prior to paying Plaintiff on a salary basis, Defendants did not pay Plaintiff one and one-half times his regular rate of pay for all hours worked in excess of 40 in each workweek (i.e., overtime hours worked).

27. From March 2015 through March 20, 2016, Plaintiff worked 385 hours of uncompensated overtime.

28. Based on Plaintiff’s overtime rate of \$30.75 per hour and Plaintiff’s 385 overtime hours, Plaintiff is owed \$12,209.59 in unpaid overtime wages.

29. By reason of the foregoing, Plaintiff has been damaged and is due unpaid overtime wages in the amount of \$12,209.59 and the same amount in liquidated damages, as well as reasonable attorneys’ fees, interest, expenses, and costs under 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

WHEREFORE, the plaintiff, Donald Dennis, respectfully requests the following relief against the defendants, Heirloom Catering, LLC and Vicky Theodorou:

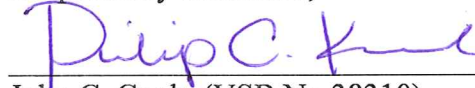
- a. Plaintiff’s unpaid wages in the amount of \$12,209.59 or such amount as may be proven at trial;

- b. Liquidated damages in the amount of \$12,209.59 or such amount as may be proven at trial;
- c. Plaintiff's attorney's fees in this matter, including those recoverable under 29 U.S.C. § 216;
- d. Plaintiff's costs in this matter; and
- e. Pre-and post-judgment interest at the highest applicable legal or statutory rate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues raised herein.

Respectfully submitted,



John C. Cook, (VSB No 38310)
Philip C. Krone, (VSB No. 87723)
Cook Craig & Francuzenko, PLLC
3050 Chain Bridge Road, Suite 200
Fairfax, VA 22030
(703) 865-7480 (office)
(703) 434-3510 (fax)
jcook@cookcraig.com
pkrone@cookcraig.com
Counsel for Plaintiff